

REMARKS

Claims 1-8, 10-25, and 27-29 are currently pending in the present application. All of these claims have been rejected in the present Office Action. Applicant respectfully traverses the present rejections and requests reconsideration based on the following remarks.

Claims 1, 3, 4, 6-8, 10, 12, 13, 15-20, 25, and 27 were rejected under 35 U.S.C. §102(e) as anticipated by Platt et al. (U.S. Published Application No. 2003/009469). Applicant traverses this rejection for the following reasons.

Regarding independent claim 1, the Office Action has asserted that Platt teaches all of the elements of this claim. Applicant disagrees for the following reasons.

Claim 1 features, among other things, "automatically receiving index information from an external source related to the subject." Paragraphs 0047 and 0055 of Platt are asserted in the Office Action as teaching this element. Applicant submits, however, that this element is not taught by Platt. Specifically, Platt teaches image database management that includes a cataloging methodology employing the gathering of ancillary data during or after the capture of a media object. This data is taught to include information from an external source. A specific example given by Platt is a GPS device, which can provide an indication of a location where an image was captured. (See paragraph 0040). This information may then be used to search the image database by location, for example. (See paragraph 0055). This teaching, however, is not equivalent to the claimed features of claim 1. That is, the index information received in claim 1 is received "from an external source related to the subject" being captured in a media file. The specific teaching of Platt does not teach or suggest an external device providing information is related to the subject captured in a media file, but merely teaches obtaining information from a device (e.g., a GPS device) that, at best, relates to the location of the media capture device, but is not actually related to the subjects captured by the media capture device. Accordingly, Applicant

respectfully submits that Platt does not teach or suggest all of the elements of claim 1 and the rejection should be withdrawn, accordingly.

With respect to dependent claims 3, 4, and 6-7, these claims are believed to be allowable on their merits and also due to their dependency on independent claim 1.

With respect to independent claim 8, this claim features ""receiving an index information request that is generated by a media capture device." Applicant respectfully notes that the Office Action has not specifically pointed to a section in Platt actually teaching this element. Nonetheless, Applicant submits that Platt does not teach receiving an index information request, nor a media capture device generating such a request.

Furthermore with respect to claim 8, the Office Action asserts that Platt teaches in paragraphs 0045 and 0056 the claimed feature of "transmitting the index information relating to [a] subject to [a] media capture device in response to receiving [an] index information request." As argued previously with respect to claim 1, however, Platt fails to teach or suggest index information relating to a subject, but instead teaches using information relating to the location of the media capture device itself. Additionally, because Platt does not disclose receiving an index information request, the reference necessarily does not teach transmitting index information in response to such a request. Accordingly, Applicant respectfully submits that the features of claim 8 are not taught or suggested by Platt.

With respect to dependent claims 10 and 12, these claims are patentable on their merits and also for the reasons presented above with respect to claim 8.

Concerning independent claim 13, the Office Action asserts that Platt discloses the elements of this claim. Applicant disagrees with this assertion for following reasons.

Claim 13 features "providing index information from a media indexing beacon to the media capture device, wherein the index information relates to the subject in the media file." As discussed above with respect to claims 1 and 8, Applicants submit that Platt does not teach or suggest index information that relates to a subject in the media file, but instead discloses using information relating to the location of the media capture device itself. Accordingly, claim 13 is believed to not be anticipated by Platt.

With respect to dependent claims 15-18, which depend from claim 13, these claims are also allowable on their merits and also for the same reasons as claim 13.

With regard to independent claim 19, this claim features, among other things, "a media indexing beacon which generates a beacon signal containing index information relating to a subject." Similar to what was argued before, Platt does not teach or suggest a "signal containing index information relating to a subject," but merely information relating to a location of a media capture device. Moreover, Platt does not teach or suggest a media indexing beacon generating a beacon signal.

Claim 19 further features "a media capture device that captures the subject in a media file and receives the beacon signal from the beacon and associates the index information with the media file." Platt does not disclose a media capture device that "receives the beacon signal from the beacon." The disclosure of Platt does not actually relate to any media capture device and simply does not teach or suggest such device, not to mention a device receiving a beacon signal. Accordingly, claim 19 is believed to be allowable over Platt since the reference fails to teach or suggest all elements of this claim.

With respect to dependent claims 20 this claim is believed to be allowable on its merits and also due to its dependency on independent claim 19.

With respect to independent claims 25 and 27 these claims are also believed allowable for similar reasons to claim 19 including that Platt does not teach or suggest that a "beacon signal comprises index information relating to the subject" and "receiving index information related to [a] subject."

Claims 2, 5, 11, 14, 21-24, 28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Platt et. al. in view of Katseff et. al. (U.S. Patent No. 5,822,537). Applicant traverses this rejection based on the following reasons.

Regarding claims 2, 5, 11, 14, 21-24, and 28, Applicant submits that these claims are allowable on their merits, and also due to their respective dependencies on independent claims allowable over Platt under 102(e).

With respect to independent claim 29, the Office Action appears to rely on arguments presented in rejected claims 1 and 27 under §102(e) with Platt. No explanation is provided in the Office Action how Katseff applies to this claim or why one of ordinary skill in the art would combine Platt and Katseff under §103(a) to arrive at the features of claim 29. Nonetheless, Applicant respectfully submits that neither Platt or Katseff, either combined or separate, teaches or suggests all the features of claims. Specifically, claim 29 features, among other things, "index information ...transmitted by a media indexing beacon" where the index information is associated with a media file. As argued previously, Platt does not teach or suggest such a feature.

Furthermore, the Office Action asserts that Katseff teach transmission from a media indexing beacon, referencing col. 6, lines 25-40 (Note: this was presented in the rejection of claim 5 not claim 29). Part of this cited section of Katseff, however, relates to transferring copies of documents via a data link 275 (ll. 25-31) and another part (lines 32-40) discuss

transmission of analog video and audio signals via other data links 320 and 345. This teaching is not tantamount to teaching transmission of index information with a media indexing beacon, but merely teaches data link transfer of documents and analog signals. Thus, no teaching or suggestion is given in Katseff of a media indexing beacon transmitting index information associated with a media file as featured in claim 29. Applicant therefore submits that all of the features of claim 29 are not taught or suggested by Platt and Katseff, either combined or taken separately.

In light of the foregoing, Applicant submits that the claims are in condition for allowance. The Examiner is invited to contact the attorney listed below if the Examiner believes that a telephone conference would advance the prosecution of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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